

109TH CONGRESS
2D SESSION

H. R. 4733

To establish the Office of the Congressional Trade Enforcer, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2006

Mr. RANGEL (for himself, Mr. CARDIN, Mr. STARK, Mr. LEVIN, Mr. McDERMOTT, Mr. NEAL of Massachusetts, Mr. McNULTY, Mr. BECERRA, Mr. POMEROY, and Mr. DAVIS of Alabama) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish the Office of the Congressional Trade Enforcer,
and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Stand Up for America
5 Act of 2006”.

1 **SEC. 2. OFFICE OF THE CONGRESSIONAL TRADE EN-**
2 **FORCER.**

3 (a) ESTABLISHMENT.—There is established in the
4 legislative branch an Office of the Congressional Trade
5 Enforcer (in this section referred to as the “Office”).

6 (b) CONGRESSIONAL TRADE ENFORCER.—

7 (1) APPOINTMENT.—The head of the Office
8 shall be a Congressional Trade Enforcer, who shall
9 be appointed by the Speaker of the House of Rep-
10 resentatives, the minority leader of the House of
11 Representatives, the majority leader of the Senate,
12 and the minority leader of the Senate after consid-
13 ering recommendations received from the Committee
14 on Ways and Means of the House of Representatives
15 and Committee on Finance of the Senate, without
16 regard to political affiliation and solely on the basis
17 of fitness to perform the functions described in sub-
18 section (d).

19 (2) TERM.—The term of office of the Congres-
20 sional Trade Enforcer shall be 5 years. An indi-
21 vidual serving as Congressional Trade Enforcer at
22 the expiration of a term may continue to serve until
23 a successor is appointed. The Congressional Trade
24 Enforcer may be removed by either the House of
25 Representatives or the Senate by resolution.

1 (3) COMPENSATION.—The Congressional Trade
2 Enforcer shall receive compensation at an annual
3 rate of pay that is equal to the lower of—

4 (A) the highest annual rate of compensa-
5 tion of any officer of the Senate; or

6 (B) the highest annual rate of compensa-
7 tion of any officer of the House of Representa-
8 tives.

9 (c) PERSONNEL.—The Congressional Trade Enforcer
10 shall appoint and fix the compensation of such personnel
11 as may be necessary to carry out the functions described
12 in subsection (d). All personnel of the Office shall be ap-
13 pointed without regard to political affiliation and solely on
14 the basis of their fitness to perform their duties. The Con-
15 gressional Trade Enforcer may prescribe the duties and
16 responsibilities of the personnel of the Office, and delegate
17 to them authority to perform any of the duties, powers,
18 and functions imposed on the Office. For purposes of pay
19 (other than pay of the Congressional Trade Enforcer) and
20 employment benefits, rights, and privileges, all personnel
21 of the Office shall be treated as if they were employees
22 of the House of Representatives.

23 (d) FUNCTIONS.—

24 (1) PRINCIPLE FUNCTION.—The principle func-
25 tion of the Congressional Trade Enforcer shall be to

1 ensure compliance by trading partners of the United
2 States with international trade agreements to which
3 the United States is a party.

4 (2) OTHER FUNCTIONS; ACTIONS BY USTR.—

5 (A) IN GENERAL.—The Congressional
6 Trade Enforcer shall have the authority to in-
7 vestigate foreign trade practices that are bar-
8 riers to United States exports and issue indict-
9 ments in cases where such practices violate any
10 of the Uruguay Round Agreements or any bilat-
11 eral or regional trade agreement to which the
12 United States is a party.

13 (B) SUBMISSION OF INDICTMENTS.—The
14 Congressional Trade Enforcer shall submit in-
15 dictments referred to in subparagraph (A) to
16 the Committee on Ways and Means of the
17 House of Representatives, the Committee on
18 Finance of the Senate, and the United States
19 Trade Representative.

20 (C) ACTION PURSUANT TO INDICTMENT.—
21 Within 30 days after receiving an indictment
22 under subparagraph (B), the Trade Representa-
23 tive should commence dispute resolution proce-
24 dures in the appropriate forum against the

country or countries that are the subject of the indictment unless—

(i) prior to the date of filing, the foreign country or countries involved enters into an agreement with the United States to eliminate the practice that is inconsistent with its international obligations; or

(ii) in extraordinary cases, the filing of the case would cause serious harm to the national security of the United States.

(D) REPORT.—If the Trade Representative does not commence dispute resolution procedures under subparagraph (C) pursuant to an indictment under subparagraph (B), the Trade Representative shall, not later than 30 days after receiving the indictment, submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the reasons therefor and shall publish notice of the decision, together with a summary of such reasons, in the Federal Register.

(3) ACTION PURSUANT TO JOINT RESOLUTION.—

1 (A) IN GENERAL.—If the Trade Rep-
2 resentative does not commence dispute resolu-
3 tion procedures under paragraph (2)(C) pursu-
4 ant to an indictment under paragraph (2)(B),
5 then the Trade Representative shall commence
6 dispute resolution procedures in the appropriate
7 forum pursuant to the indictment upon the en-
8 actment pursuant to the requirements of sub-
9 paragraph (B) of a joint resolution described in
10 subparagraph (C).

11 (B) REQUIREMENTS.—(i) The require-
12 ments of this subparagraph are met if the joint
13 resolution is enacted under subparagraph (C)
14 and—

15 (I) the Congress adopts and transmits
16 the joint resolution to the President before
17 the end of the 90-day period (excluding
18 any day described in section 154(b) of the
19 Trade Act of 1974), beginning on the date
20 on which the Congressional Trade En-
21 forcer submits the indictment under para-
22 graph (2)(B); and

23 (II) if the President vetoes the joint
24 resolution, each House of Congress votes
25 to override that veto on or before the later

of the last day of the 90-day period referred to in subclause (I) or the last day of the 15-day period (excluding any day described in section 154(b) of the Trade Act of 1974) beginning on the date on which the Congress receives the veto message from the President.

(ii) A joint resolution to which this paragraph applies may be introduced at any time on or after the end of the 30-day period described in paragraph (2)(C), and before the end of the 90-day period referred to in clause (i).

(C) JOINT RESOLUTIONS.—

(i) JOINT RESOLUTIONS.—For purpose of this paragraph, the term “joint resolution” means only a joint resolution of the 2 Houses of Congress, the matter after the resolving clause of which is as follows: “That the United States Trade Representative shall commence dispute resolution procedures against _____ in _____ pursuant to the indictment submitted under section 2(d)(2)(B) of the Stand Up for America Act of 2006 on _____.”, with the first blank space

1 being filled with the country or countries
2 that are the subject of the indictment, the
3 second blank space being filled with the
4 appropriate forum, and the third blank
5 space being filled with the appropriate
6 date.

7 (ii) PROCEDURES.—(I) Joint resolu-
8 tions may be introduced in either House of
9 the Congress by any member of such
10 House.

11 (II) Subject to the provisions of this
12 subparagraph, the provisions of subsections
13 (b), (d), (e), and (f) of section 152 of the
14 Trade Act of 1974 (19 U.S.C. 2192 (b),
15 (d), (e), and (f)) apply to joint resolutions
16 to the same extent as such provisions apply
17 to resolutions under that section.

18 (III) If the committee of either House
19 to which a joint resolution has been re-
20 ferred has not reported it by the close of
21 the 45th day after its introduction (exclud-
22 ing any day described in section 154(b) of
23 the Trade Act of 1974), such committee
24 shall be automatically discharged from fur-
25 ther consideration of the joint resolution

1 and it shall be placed on the appropriate
2 calendar.

3 (IV) It is not in order for—

4 (aa) the Senate to consider any
5 joint resolution unless it has been re-
6 ported by the Committee on Finance
7 or the committee has been discharged
8 under subclause (III); or

9 (bb) the House of Representa-
10 tives to consider any joint resolution
11 unless it has been reported by the
12 Committee on Ways and Means or the
13 committee has been discharged under
14 subclause (III).

15 (V) A motion in the House of Rep-
16 resentatives to proceed to the consideration
17 of a joint resolution may only be made on
18 the second legislative day after the cal-
19 endar day on which the Member making
20 the motion announces to the House his or
21 her intention to do so.

22 (iii) CONSIDERATION OF SECOND RES-
23 OLUTION NOT IN ORDER.—It shall not be
24 in order in either the House of Representa-
25 tives or the Senate to consider a joint reso-

1 lution (other than a joint resolution re-
2 ceived from the other House), if that
3 House has previously adopted a joint reso-
4 lution under this paragraph.

5 (iv) RULES OF HOUSE OF REP-
6 RESENTATIVES AND SENATE.—This para-
7 graph is enacted by the Congress—

8 (I) as an exercise of the rule-
9 making power of the House of Rep-
10 resentatives and the Senate, respec-
11 tively, and as such is deemed a part
12 of the rules of each House, respec-
13 tively, and such procedures supersede
14 other rules only to the extent that
15 they are inconsistent with such other
16 rules; and

17 (II) with the full recognition of
18 the constitutional right of either
19 House to change the rules (so far as
20 relating to the procedures of that
21 House) at any time, in the same man-
22 ner, and to the same extent as any
23 other rule of that House.

24 (4) DEFINITIONS.—In this subsection:

1 (A) INDICTMENT.—The term “indictment”
2 means a formal written analysis setting forth
3 the legal explanation of the manner in which a
4 foreign trade practice of a country or countries
5 violates any of the Uruguay Round Agreements
6 or any bilateral or regional trade agreement to
7 which the United States is a party.

8 (B) URUGUAY ROUND AGREEMENTS.—The
9 term “Uruguay Round Agreements” means any
10 of the agreements approved by the Congress
11 under section 101(a)(1) of the Uruguay Round
12 Agreements Act (19 U.S.C. 3511(a)(1)).

13 (e) OFFICE OF MARKET ACCESS ASSISTANCE.—

14 (1) ESTABLISHMENT.—There is established in
15 the Office of the Congressional Trade Enforcer an
16 Office of Market Access Assistance.

17 (2) FUNCTIONS.—The Office of Market Access
18 Assistance shall provide technical and legal assist-
19 ance and advice to eligible small businesses to enable
20 such small businesses to prepare and file petitions
21 (other than those which, in the opinion of the Office
22 of Market Access Assistance, are frivolous) under
23 section 302 of the Trade Act of 1974.

24 (3) DEFINITION.—The term “eligible small
25 business” means any business concern which, in the

1 judgment of the Office of Market Access Assistance,
2 due to its small size, has neither adequate internal
3 resources nor financial ability to obtain qualified
4 outside assistance in preparing and filing petitions
5 and complaints under section 302 of the Trade Act
6 of 1974. In determining whether a business concern
7 is an “eligible small business,” the Office of Market
8 Access Assistance may consult with the Adminis-
9 trator of the Small Business Administration and the
10 heads of other appropriate Federal departments and
11 agencies.

12 (f) RELATIONSHIP TO EXECUTIVE BRANCH.—The
13 Congressional Trade Enforcer is authorized to secure in-
14 formation, data, estimates, and statistics directly from the
15 various departments, agencies, and establishments of the
16 executive branch of Government and the regulatory agen-
17 cies and commissions of the Government. All such depart-
18 ments, agencies, establishments, and regulatory agencies
19 and commissions shall furnish the Congressional Trade
20 Enforcer with any available material which the Congres-
21 sional Trade Enforcer determines to be necessary in the
22 performance of the functions of the Office. The Congres-
23 sional Trade Enforcer is also authorized, upon agreement
24 with the head of any such department, agency, establish-
25 ment, or regulatory agency or commission, to utilize its

1 services, facilities, and personnel with or without reim-
2 bursement; and the head of each such department, agency,
3 establishment, or regulatory agency or commission is au-
4 thorized to provide the Office such services, facilities, and
5 personnel.

6 (g) RELATIONSHIP TO OTHER AGENCIES OF CON-
7 GRESS.—In carrying out the functions of the Office, and
8 for the purpose of coordinating the operations of the Of-
9 fice with those of other congressional agencies with a view
10 to utilizing most effectively the information, services, and
11 capabilities of all such agencies in carrying out the various
12 responsibilities assigned to each, the Congressional Trade
13 Enforcer is authorized to obtain information, data, esti-
14 mates, and statistics developed by the Government Ac-
15 countability Office, and the Library of Congress, and
16 (upon agreement with them) to utilize their services, facili-
17 ties, and personnel with or without reimbursement. The
18 Comptroller General and the Librarian of Congress are
19 authorized to provide the Office with the information,
20 data, estimates, and statistics, and the services, facilities,
21 and personnel, referred to in the preceding sentence.

22 (h) AUTHORIZATIONS OF APPROPRIATIONS.—There
23 are authorized to be appropriated to the Office to carry
24 out this section such sums as may be necessary for each
25 fiscal year.

1 **SEC. 3. IDENTIFICATION OF TRADE EXPANSION PRIOR-**
2 **ITIES.**

3 (a) IDENTIFICATION OF TRADE EXPANSION PRIOR-
4 ITIES.—Section 310 of the Trade Act of 1974 is amended
5 to read as follows:

6 **“SEC. 310. IDENTIFICATION OF TRADE EXPANSION PRIOR-**
7 **ITIES.**

8 “(a) IDENTIFICATION.—

9 “(1) IDENTIFICATION AND REPORT.—Within 30
10 days after the submission in each calendar year of
11 the report required by section 181(b), the Congres-
12 sional Trade Enforcer shall—

13 “(A) review United States trade expansion
14 priorities;

15 “(B) identify priority foreign country prac-
16 tices, including currency manipulation, the
17 elimination of which is likely to have the most
18 significant potential to increase United States
19 exports, either directly or through the establish-
20 ment of a beneficial precedent; and

21 “(C) submit to the Committee on Finance
22 of the Senate and the Committee on Ways and
23 Means of the House of Representatives and the
24 Trade Representative and publish in the Fed-
25 eral Register a report on the priority foreign
26 country practices so identified.

1 “(2) FACTORS.—In identifying priority foreign
2 country practices under paragraph (1), the Congres-
3 sional Trade Enforcer shall take into account all rel-
4 evant factors, including—

5 “(A) the major barriers and trade dis-
6 torting practices described in the National
7 Trade Estimate Report required under section
8 181(b);

9 “(B) the trade agreements to which a for-
10 eign country is a party and its compliance with
11 those agreements;

12 “(C) the medium- and long-term implica-
13 tions of foreign government procurement plans;
14 and

15 “(D) the international competitive position
16 and export potential of United States products
17 and services.

18 “(3) CONTENTS OF REPORT.—The Congres-
19 sional Trade Enforcer may include in the report, if
20 appropriate—

21 “(A) a description of foreign country prac-
22 tices that may in the future warrant identifica-
23 tion as priority foreign country practices; and

24 “(B) a statement about other foreign coun-
25 try practices that were not identified because

1 they are already being addressed by provisions
2 of United States trade law, by existing bilateral
3 trade agreements, or as part of trade negotia-
4 tions with other countries, and because progress
5 is being made toward the elimination of such
6 practices.

7 “(4) DEFINITION.—In this subsection, the term
8 ‘Congressional Trade Enforcer’ means the head of
9 the Office of the Congressional Trade Enforcer es-
10 tablished pursuant to section 2 of the Stand Up for
11 America Act of 2006.

12 “(b) INITIATION OF CONSULTATIONS.—By no later
13 than the date that is 21 days after the date on which a
14 report is submitted to the appropriate congressional com-
15 mittees and the Trade Representative under subsection
16 (a)(1), the Trade Representative should seek consultations
17 with each foreign country identified in the report as en-
18 gaging in priority foreign country practices for the pur-
19 pose of reaching a satisfactory resolution of such priority
20 practices.

21 “(c) INITIATION OF INVESTIGATION.—If the Trade
22 Representative seeks consultations under subsection (b)
23 and a satisfactory resolution of the priority foreign coun-
24 try practices involved has not been reached within 90 days
25 after the date on which a report is submitted to the appro-

1 priate congressional committees under subsection (a)(1),
2 the Trade Representative shall initiate under section
3 302(b)(1) an investigation under this chapter with respect
4 to such priority foreign country practices.

5 “(d) AGREEMENTS FOR THE ELIMINATION OF BAR-
6 RRIERS.—In the consultations with a foreign country that
7 the Trade Representative is required to request under sec-
8 tion 303(a) with respect to an investigation initiated by
9 reason of subsection (c), the Trade Representative shall
10 seek to negotiate an agreement that provides for the elimi-
11 nation of the practices that are the subject of the inves-
12 tigation as quickly as possible or, if elimination of the
13 practices is not feasible, an agreement that provides for
14 compensatory trade benefits.

15 “(e) REPORTS.—The Trade Representative shall in-
16 clude in the semiannual report required by section 309
17 a report on the status of any investigations initiated pur-
18 suant to subsection (c) and, where appropriate, the extent
19 to which such investigations have led to increased opportu-
20 nities for the export of products and services of the United
21 States.”.

22 (b) INITIAL REPORT ON CERTAIN PRACTICES.—Not
23 later than 90 days after the date of the enactment of this
24 Act, the Congressional Trade Enforcer shall identify, and
25 report to the Congress on, priority foreign trade practices

1 of the People’s Republic of China, the Russian Federation,
2 and the European Union, in accordance with section 310
3 of the Trade Act of 1974, as amended by subsection (a)
4 of this section. As part of its analysis, the Congressional
5 Trade Enforcer shall consider violations by the People’s
6 Republic of China and the Russian Federation of World
7 Trade Organization rules regarding the protection of intel-
8 lectual property rights, violations by the People’s Republic
9 of China of World Trade Organization rules regarding the
10 manipulation of currency, and violations by the European
11 Union of World Trade Organization rules regarding dis-
12 criminatory regional trade agreements.

13 (c) CONFORMING AMENDMENT.—The item relating
14 to section 310 in the table of contents of the Trade Act
15 of 1974 is amended to read as follows:

“Sec. 310. Identification of trade expansion priorities”.

